

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**DIXIE-NET COMMUNICATIONS, INC.**

**APPELLANT**

**V.**

**CIVIL ACTION NO. 3:10-cv-84-M-S**

**BELLSOUTH TELECOMMUNICATION,  
INC., d/b/a AT&T MISSISSIPPI**

**APPELLEE**

**ORDER**

This cause is before the court on motion of Bellsouth Telecommunications, Inc. to join the Mississippi Public Service Commission, Brandon Presley, in his official capacity as chairman, Lynn Posey, in his official capacity as vice chairman, and Leonard Bentz, in his official capacity as commissioner of the Mississippi Public Service (#5).

Rule nineteen of the federal rules of civil procedure defines a “required party” as someone who must be joined if “in that person’s absence, the court cannot accord complete relief among existing parties.” FED. R. CIV. P. 19(a)(1)(A). Dixie-Net is appealing a final order of the MPSC in which the MPSC interpreted an existing Interconnection Agreement (“ICA”) between Dixie-Net and AT&T Mississippi regarding payment of intercarrier compensation as defined in the ICA. Section 252(e)(6) of the federal Telecommunications Act of 1996 (the “Act”), 47 U.S.C. § 252(e)(6) governs the review of “state commission actions” – including the MPSC’s interpretation of the ICA at issue here. Congress signaled in 47 U.S.C. § 252(e)(6) its intention that state public service commissions be parties to the federal court suits reviewing their actions, just as the Federal Communications Commission (“FCC”) is a party to suits seeking review of its actions.

In the alternative, rule twenty of the federal rules of civil procedure allows for permissive

joinder of parties as co-defendants when “any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and ... any question of law or fact common to all defendants will arise in the action.” FED. R. CIV. P. 20. The central purpose of Rule 20 is to promote convenience and to expedite the resolution of disputes. Here, joining the MPSC and the Commissioners in their official capacity serves both purposes. Should Dixie-Net prevail in its appeal, having the MPSC and the Commissioners as parties would streamline the mandate process post-appeal and provides the most expedient route to the parties, particularly Dixie-Net, in obtaining the relief it seeks.

It is clear that: (1) Dixie- Net is asserting a right to relief against both AT&T Mississippi and the MPSC arising out of the MPSC’s final order; (2) joinder of the MPSC and the Commissioners promotes convenience and judicial economy; and (3) the MPSC and the Commissioners are “desirable” parties with an interest in this appeal.

IT IS, THEREFORE, ORDERED that the Appellee’s Motion for joinder (#5) is hereby GRANTED.

**SO ORDERED** this, the 5<sup>th</sup> day of October, 2010.

/s/ David A. Sanders  
U. S. MAGISTRATE JUDGE